DISTRICT COURT OF GUAM
TERRITORY OF GUAM
AMENDED CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
AUG 1 0 2005
MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-01-00033-001   **DATE: 08/09/2005**

HON. CONSUELO B. MARSHALL, DESIGNATED JUDGE | Law Clerk: NONE PRESENT
Court Reporter: Wanda Miles | Courtroom Deputy: Virginia T. Kilgore
Hearing Electronically Recorded: 4:05:35 - 5:01:20 | CSO: J. Taijeron / J. McDonald

* * * * * * * * * * * * * * * * * * * A P P E A R A N C E S *

DEFT: ROBERT C. LEONES   **ATTY: PHILLIP TORRES**
(X) PRESENT ( ) CUSTODY ( ) BOND (X) P.R.   (X) PRESENT (X) RETAINED ( ) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: FRED BLACK   **AGENT: ERWIN FEJERAN & ROB ROBERTSON, BUREAU OF CUSTOMS & IMMIGRATION ENFORCEMENT**

U.S. PROBATION: STEPHEN GUILLIOT   **U.S. MARSHAL: W. GRAY**

INTERPRETER: _____   LANGUAGE: _____

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( ) ARGUMENT FOR A DOWNWARD DEPARTURE BY THE___GOVERNMENT ___ DEFENSE ___GRANTED
    COURT DEPARTS TO A LEVEL_____ FROM A LEVEL_____

( ) ARGUMENT FOR AN UPWARD DEPARTURE BY THE   ___ GOVERNMENT ___ DEFENSE

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS _____
    Base offense level: 36   Total offense level: 33   Criminal History Category: I

    NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:
Requested the Court to sentence his client to a term of time served with supervised release.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:
Recommended the Court to sentence the Defendant to not more than 18 months and stated the reasons for the request. He further stated that the Government would not oppose a lesser imposition of sentence. Government moved to Dismiss Counts II and III of the Indictment. GRANTED.

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Agent Robertson addressed the Court. He stated that his personal recommendation would be for the Court to sentence the Defendant to a term of probation. Probation Officer Guilliot stated that he has no objection to the Government's position on sentencing. The Court Ordered that excerpts of this proceeding be transcribed and a copy to be forwarded to the U.S. Sentencing Commission along with the statement of reasons.

SENTENCE: CR-01-00033-001   DEFENDANT: ROBERT C. LEONES

(X)   DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF TIME SERVED (16 DAYS).

(   )   COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT _____ .

(X)   UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF FIVE YEARS .

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1.   DEFENDANT SHALL BE NOT COMMIT ANOTHER FEDERAL, STATE, AND LOCAL OFFENSE.

2.   DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE STATUTE.

3.   DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.

4.   DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.

5.   DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.

6.   DEFENDANT SHALL SUBMIT TO ONE (1) DRUG TEST WITHIN 15 DAYS OF RELEASE FROM CUSTODY AND, TO TWO DRUG TESTS THEREAFTER.

7.   DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR ASSESSMENT AND TREATMENT OF NARCOTIC ADDICTION OR DRUG OR ALCOHOL DEPENDENCY WHICH WILL INCLUDE TESTING FOR THE DETECTION OF SUBSTANCE USE OR ABUSE. IT IS FURTHER RECOMMENDED THAT THE DEFENDANT MAKE A CO-PAYMENT FOR TREATMENT AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE.

        IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF $100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

        PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

        COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS.

*ized*Amended to correct the condition that defendant pay the special assessment fee immediately after sentencing.*